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SO

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/936,344 09/24/97 EMBREE

P 080398.P115

WM02/1120

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EXAMINER

CHANG, V

ART UNIT	PAPER NUMBER
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2644

DATE MAILED:

11/20/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No. 08/936,344	Applicant(s) Embree
Examiner Vivian Chang	Group Art Unit 2644

Responsive to communication(s) filed on Sep 12, 1900

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claim

Claim(s) 1-15 is/are pending in the application.  
Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 Claim(s) \_\_\_\_\_ is/are allowed.  
 Claim(s) 1-15 is/are rejected.  
 Claim(s) \_\_\_\_\_ is/are objected to.  
 Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.  
 The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.  
 The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.  
 The specification is objected to by the Examiner.  
 The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).  
 All  Some\*  None of the CERTIFIED copies of the priority documents have been  
received.  
 received in Application No. (Series Code/Serial Number) \_\_\_\_\_  
 received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892  
 Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_  
 Interview Summary, PTO-413  
 Notice of Draftsperson's Patent Drawing Review, PTO-948  
 Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vizireanu et al.

Vizireanu teaches most of the claimed limitations as set forth in Section 2 of a previous office action, paper number 5, dated 12/1/99 except disclosing any semiconductor memory devices. However, the examiner takes official notice that this feature is notoriously well known in the art. Thus it would have been obvious to one of ordinary skilled in the art at the time the invention was made to equivalently substitute the memory banks of Vizireanu with any well known semiconductor memory devices in order to provide higher quality, non-magnetic storage devices whose elements are formed as solid state electronic components on an integrated circuit.

3. Claims 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vizireanu et al in view of Schaus et al.

The combined teaching of Vizireanu and Schaus teaches most of the claimed limitations as set forth in Section 5 of a previous office action, paper number 5, dated 12/1/99 except disclosing any semiconductor memory devices. However, the examiner takes official notice that this feature

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is notoriously well known in the art. Thus it would have been obvious to one of ordinary skilled in the art at the time the invention was made to equivalently substitute the memory banks of Vizireanu with any well known semiconductor memory devices in order to provide higher quality, non-magnetic storage devices whose elements are formed as solid state electronic components on an integrated circuit.

4. Applicant's arguments filed 09-12-00 have been fully considered but they are not persuasive.

One of applicant's main argument is whether the VCR310 in Vizireanu operates as a semiconductor memory device. The examiner did not state such a fact. In the rejection, the examiner clearly states the prior art does not disclosing any semiconductor memory devices. However, the examiner takes official notice that this feature is notoriously well known in the art. Thus it would have been obvious to one of ordinary skilled in the art at the time the invention was made to equivalently substitute the memory banks of Vizireanu with any well known semiconductor memory devices in order to provide higher quality, non-magnetic storage devices whose elements are formed as solid state electronic components on an integrated circuit.

Applicant's other main argument is whether the audio server card (element 340) is a processor. Applicant may not notice that a processor be interpreted as broad as "one that processes", according to the dictionary. Thus in the examiner's opinion, the audio server card can be interpreted as a processor as broadly claimed.

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5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivian Chang whose telephone number is (703) 308-6739.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

**Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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**or faxed to:**

(703) 308-9051, (for formal communications; please mark "EXPEDITED PROCEDURE")

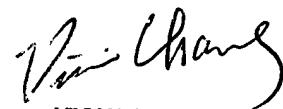
**Or:**

(703) 305-9508 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

vc

November 17, 2000



VIVIAN CHANG  
PRIMARY EXAMINER